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SUBJECT: KAZAKHSTAN: TERRORISM AND SECURITY CONCERNS INFLUENCE
DELIBERATION ON OVERFLIGHT AND NDN AMENDMENTS

Classified By: Ambassador Richard E. Hoagland: 1.4 (A), (B), (D)

REFTELS: A. STATE 128489

- [1](#)B. ASTANA 2000
- [1](#)C. ASTANA 2158
- [1](#)D. ASTANA 2198

[1](#)1. (S/NF) SUMMARY: On December 22, the Ambassador and Deputy Foreign Minister Kairat Umarov met to discuss outstanding U.S. requests to amend the 2001 overflight and 2009 Northern Distribution Network (NDN) agreements (refs A, B). Umarov told the Ambassador that 10 Kazakhstani government agencies are reviewing the U.S. request to add a north-south route to the 2001 Memorandum of Understanding (MOU) on overflights in support of Operation Enduring Freedom. He said he hoped to provide an initial response by December [1](#)31. Umarov noted that "times have changed since 2001," and Kazakhstani concerns that terrorists will seek to disrupt supply routes to Afghanistan have increased. Umarov said some Kazakhstanis worry that the overflight and NDN will encourage terrorists to target Kazakhstan, which seeks U.S. military advice on fortifying its southern border. He told the Ambassador Kazakhstan's leaders owe it to their people to consider thoroughly these agreements. Umarov, an experienced and frank diplomat, suggested Kazakhstan might want to use the July U.S.-Russia agreement on overflights as a model for any new agreement. END SUMMARY.

KAZAKHSTAN SEEKS A NEW AGREEMENT

[1](#)2. (S/NF) Deputy Foreign Minister Kairat Umarov said that he had originally hoped to amend the original overflight agreement, but the MFA's Legal Department determined Kazakhstan must conclude a new agreement because the requested additions include a different route. Umarov did not specify language needed in the agreement, or whether the agreement could enter into force upon signature. Umarov said several government agencies had asked about the July overflight agreement between the United States and the Russian Federation. Emphasizing that he still lacked firm instructions and was merely "thinking outside of the box" in an effort to expedite the process, Umarov suggested that Kazakhstan might agree to sign a document with the same text as the July U.S.-Russian Federation agreement.

THAT WAS THEN, THIS IS NOW

13. (S/NF) Arguing "the times are different now than they were in 2001," when the September 11 attack on the United States and instability in Kyrgyzstan dictated the need for immediate action, Umarov emphasized that many Kazakhstani government agencies are concerned about the transportation of lethal goods across Kazakhstan's territory. According to Umarov, instability in Afghanistan is "bringing the Taliban closer," and Kazakhstan fears it will become a target for terrorists if it signs an agreement to facilitate the transportation of lethal goods.

PARLIAMENT (AND OTHERS) MUST BE SATISFIED

14. (S/NF) Umarov quickly asserted that this does not mean that Kazakhstan will not agree to add the north-south overflight path. Rather, Kazakhstan's leaders must carefully scrutinize any agreement, and must have the support of the Kazakhstani people, he said. "Members of Parliament will be very inquisitive about an overflight agreement; they are much more sophisticated now than they were in 2001," commented Umarov. He queried, "What is the legal basis for this agreement and how will it be regulated?" Umarov mentioned that other agencies might ask detailed questions about the potential response to various hypothetical disaster scenarios, including a crash or other incident along the route, which would require more detailed answers than the text in paragraph 5 of the 2001 agreement. Umarov promised to convey the Kazakhstani ministries' questions to the Ambassador as soon as possible.

U.S.-RUSSIA AGREEMENT IRRITATES

ASTANA 00002204 002 OF 003

15. (S/NF) When the Ambassador reiterated the importance of adding the new route to the overflight agreement, Umarov, looking uncharacteristically frustrated, responded that the MFA is trying to facilitate a speedy agreement. He argued that parallel negotiations with Kazakhstan and the Russian Federation might have precluded this situation. "Now you are just putting us up against the wall," Umarov retorted. When the Ambassador directly asked if the agreement with the Russian Federation created a political problem, Umarov denied Kazakhstani leaders oppose amending the 2001 agreement because of annoyance that the United States signed an agreement with Russia first. However, his non-verbal behavior suggested otherwise. The Ambassador pointed out that the United States and Kazakhstan, unlike the United States and the Russian Federation, already had an overflight MOU when the Russian agreement was signed, which seemed somewhat to mollify Umarov. Further, the Ambassador explained to Umarov, off the record, the history of the U.S.-Russia agreement as a deliverable for the July 2009 Obama-Medvedev summit in Moscow.

HAZARDOUS OR LETHAL?

16. (S/NF) Echoing Foreign Minister Saudabayev's comments on the overflight issue during Assistant Secretary for South and Central Asian Affairs Robert Blake's visit (ref D), Umarov reiterated that "the transit of lethal equipment is a particular problem for Kazakhstan." The Ambassador pointed out that the 2001 overflight agreement specifies that cargo might include "hazardous materials." When Umarov countered that hazardous cargo does not necessarily imply lethal cargo, the Ambassador replied that both sides in 2001 likely understood that "hazardous materials" could imply "lethal." (COMMENT: The MFA's Askar Tazhiyev raised the issue of lethal versus non-lethal cargo for the first time on November 24 when he called the Embassy to confirm that the overflight request pertained to both lethal and non-lethal cargo, stating that different kinds of cargo would raise different "technical issues." The Embassy's diplomatic note requesting the addition of the new route, dated November 9, referred directly to the 2001 agreement, and did not specify the type of cargo. END COMMENT.)

BORDER SECURITY AND AN UNFULFILLED U.S. PROMISE

17. (S/NF) Returning to fears of terrorism, Umarov asserted that "Kazakhstan is very concerned about fortifying its southern borders."

He welcome more information-sharing on counter-terrorism, and said that a U.S. military survey team to advise on border security would be welcome. The Ambassador replied he had recently met with the new Chairman of the National Security Committee (KNB) (ref C) and expressed U.S. willingness to move beyond information sharing to broader cooperation. Umarov said that border fortification is a military issue, as well as a border-security and intelligence-sharing issue, and the military would be the most appropriate U.S. partner. Umarov said Deputy Minister of Defense General Bulat Sembinov has often raised, including with USCENTCOM Commander General David Petraeus, the long delays in the U.S. Huey-II program for Kazakhstan, which are negatively affecting Kazakhstan's ability to secure its border against terrorists. Umarov noted that President Nazarbayev had recently criticized Kazakhstan's Security Council, emphasizing that Kazakhstan wants to avoid Kyrgyz instability from again creating problems in Kazakhstan, as happened in 1999, especially given the Taliban's focus on disrupting supply routes to Afghanistan.

OVERFLIGHT AND NDN ARE SECURITY, NOT POLITICAL, ISSUES

18. (S/NF) The Ambassador also raised the question of the Embassy's October 20 dipnote on an amendment to the Northern Distribution Network (NDN) to allow the surface transit of wheeled armored vehicles for transporting troops (ref B). Umarov said that Kazakhstan would prefer transportation of the vehicles inside containers, but "you never know what kind of information may leak out." Therefore, Kazakhstan must prepare for anything, which is why lethal equipment is so problematic, he argued. According to Umarov,

ASTANA 00002204 003 OF 003

the overflight and NDN issues are not political, but are perceived as security issues. Umarov told the Ambassador, "I understand we must move as quickly as possible. Please believe me, I am not sitting on these issues."

NEXT STEPS: COMPARING AGREEMENTS AND COMPILING ANSWERS

19. (S/NF) In response to the Ambassador's inquiry about ways to positively and quickly reach an agreement on overflight, Umarov asserted that Kazakhstan must first review the U.S. agreement with the Russian Federation. He said he expected to receive the agreement from Moscow within days, and would immediately distribute it to the unspecified Kazakhstani ministries that had asked to see it. [NOTE: In a later conversation the same day, Russian Ambassador Mikhail Bocharnikov professed ignorance about Kazakhstan's request for a copy of the U.S.-Russia overflight agreement and suggested Astana must be working directly with Moscow on this issue. END NOTE.] According to Umarov, the Russian Duma's ratification of this agreement might resolve many Kazakhstani concerns. He reiterated that he hopes to receive interagency guidance on the new route by December 31. Umarov also asked the Ambassador for information on the U.S. NDN and overflight agreements with Uzbekistan, Kyrgyzstan, and Tajikistan. The Ambassador said he would gather as much information as possible to help speed Kazakhstan's decision making, especially since Foreign Minister Saudabayev had told Assistant Secretary Blake that a north-south overflight route is doable, but first many questions must be answered in detail.

110. (S/NF) AMBASSADOR'S COMMENT: Based on both Foreign Minister Saudabayev and Presidential Foreign Policy Adviser Sarybai telling Assistant Secretary Blake that our requests are achievable, and based on President Nazarbayev's continued support for U.S. policy in Afghanistan, I believe that we will, eventually, succeed -- but it is going to take considerable work and probably more time than we would like. Embassy Astana is working to collect as quickly as possible answers to all the questions the Kazakhstanis so far have posed. We know from other sources that Kazakhstan is indeed concerned about its own security, especially the security of its southern border, and worries that a renewed international effort in Afghanistan could push terrorists into Central Asia. We can usually rely on MFA Americas Director Tazhiyev to blurt out the truth, and his comment in this meeting might be telling -- that the United States not fulfilling its commitment on the Huey-II program is affecting Kazakhstan's ability to secure its border against terrorists. Likewise, I do not doubt that some Kazakhstani noses are out of joint because the United States concluded a lethal overflight agreement with Russia before

raising the same issue with Kazakhstan. For at least a year, Kazakhstani officials have told me that they expect to be treated on par with Russia and do not appreciate being "treated as an afterthought," which they strongly believe happened in this case. Embassy Astana will continue to place highest priority on achieving our overflight and NDN goals; however, should this bog down for too long, a high-level visit to Astana might be warranted to seal a deal.

END COMMENT.

HOAGLAND